

DONGELL LAWRENCE FINNEY LLP  
 MICHAEL C. HETHEY, ESQ.  
 Nevada Bar No. 5668  
 707 Wilshire Boulevard, 45th Floor  
 Los Angeles, CA 90017-3609

DONGELL LAWRENCE FINNEY LLP  
 RICHARD A. DONGELL, ESQ.  
 (CA Bar No. 128083 - Admitted *Pro Hac Vice*)  
 THOMAS F. VANDENBURG, ESQ.  
 (CA Bar No. 163446 - Admitted *Pro Hac Vice*)  
 PAUL D. RASMUSSEN, ESQ.  
 (CA Bar No. 201680 - Admitted *Pro Hac Vice*)  
 707 Wilshire Blvd., 45<sup>th</sup> Floor  
 Los Angeles, CA 90017  
 Phone: (213) 943-6100 / Fax: (213) 943-6101

LAW OFFICES OF STEVEN J. PARSONS  
 STEVEN J. PARSONS  
 Nevada Bar No. 363  
 7201 W. Lake Mead Blvd., Ste. 108  
 Las Vegas, NV 89128-8354  
 Phone: (702) 384-9900 / Fax: (702) 384-5900

Attorneys for Defendants/Third-Party Plaintiffs Maryland Square  
 Shopping Center, LLC, the Herman Kishner Trust d/b/a Maryland  
 Square Shopping Center, Irwin Kishner, Jerry Engel, and Premier  
 Trust, as Trustees for The Herman Kishner Trust

# **UNITED STATES DISTRICT COURT**

## **DISTRICT OF NEVADA**

PETER J. VOGGENTHALER; et. al.  
 Plaintiffs,  
 vs.  
 MARYLAND SQUARE, LLC; et. al.  
 Defendants.

Case No.: 2:08-cv-01618-RCJ-GWF

### **STIPULATION AND ORDER TO DISMISS THIRD-PARTY DEFENDANT BOULEVARD MALL, LLC WITHOUT PREJUDICE**

#### **AND RELATED CROSS AND THIRD PARTY CLAIMS**

CONSOLIDATED WITH:

STATE OF NEVADA, DEPT. OF  
 CONSERVATION AND NATURAL  
 RESOURCES, et. al.

Case No.: 3:09-cv-231-RCJ-GWF

Plaintiff,  
 vs.  
 MARYLAND SQUARE SHOPPING CENTER,  
 LLC, et. al.  
 Defendants.

#### **AND RELATED THIRD PARTY CLAIMS**

1.

**STIPULATION AND ORDER TO DISMISS THIRD-PARTY DEFENDANT BOULEVARD  
 MALL, LLC WITHOUT PREJUDICE**

1 Third Party Plaintiffs MARYLAND SQUARE SHOPPING CENTER LLC; THE  
2 HERMAN KISHNER TRUST dba MARYLAND SQUARE SHOPPING CENTER; IRWIN  
3 KISHNER; JERRY ENGEL and PREMIER TRUST as Trustees for the HERMAN KISHNER  
4 TRUST (collectively "*Third Party Plaintiffs*"), and Third Party Defendant BOULEVARD  
5 MALL, LLC, by and through their undersigned attorneys, stipulate as follows:

6 1. Each of Third Party Plaintiffs' claims against Boulevard Mall, LLC in this  
7 action shall be dismissed without prejudice, each party bearing its own fees and costs.

8  
9 Dated the 3<sup>rd</sup> day of July, 2014.

10  
11 JEFFREY R. DIVER, P.C.

DONGELL LAWRENCE FINNEY LLP

12 By: /s/Jeffrey R. Diver  
13 Jeffrey R. Diver  
14 Attorneys for Third-Party Defendant  
Boulevard Mall, LLC

By: /s/Thomas F. Vandenburg  
Thomas F. Vandenburg  
Attorneys for Defendants/Third-Party  
Plaintiffs Maryland Square Shopping  
Center, LLC, the Herman Kishner Trust  
d/b/a Maryland Square Shopping Center,  
Irwin Kishner, Jerry Engel, and Premier  
Trust, as Trustees for The Herman Kishner  
Trust

15  
16  
17  
18 **ORDER**

19 IT IS HEREBY ORDERED pursuant to the stipulation of Third Party Plaintiffs  
20 and Third Party Defendant Boulevard Mall, LLC, that Third Party Defendant Boulevard Mall,  
21 LLC shall be and is hereby dismissed from this lawsuit without prejudice;

22 AND IT IS FURTHER ORDERED that Third Party Plaintiffs and Third Party  
23 Defendant Boulevard Mall, LLC shall each bear their own attorneys' fees and costs.

24  
25  
26 Dated: July 15, , 2014

  
UNITED STATES DISTRICT COURT JUDGE

**PROOF OF SERVICE**

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States of America, am over the age of 18 and not a party to the within action. My business address is 707 Wilshire Boulevard, 45th Floor, Los Angeles, CA 90017-3609. On July 3, 2014, I served a copy of the foregoing document described as follows:

**STIPULATION AND ORDER TO DISMISS THIRD-PARTY DEFENDANT  
BOULEVARD MALL, LLC WITHOUT PREJUDICE**

served:

[ X ] Electronically in accordance with United States District Court of the District of Nevada Electronic Filing Procedures, Section IV Service, B. Electronic Service.

I declare that I am employed in the office of an attorney who has been admitted *pro hac vice* for the purpose of this case only to the bar of this court at whose direction the service was made.

Under penalty of perjury, I declare the aforesaid to be true and correct.

Executed on July 3, 2014.

By: /s/ Sheryl R. Douglas  
Sheryl R. Douglas